

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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JOHN WADE BURROW, individually )  
and on behalf of his wife, )  
Susan Burrow, and SUSAN )  
SAMMONS BURROW, individually )  
and on behalf of her husband, )  
John Burrow, )

Plaintiffs, )

v. )

No. 05-2498 Ml/V

CITY OF MEMPHIS, DEKEVIAN )  
SUGGS, NIGEL WILLIAMS, )  
individually and in his )  
official capacity as a Police )  
Officer for the City of Memphis, )

Defendants. )

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ORDER GRANTING MOTION TO STAY AND ORDER DENYING PENDING  
DISPOSITIVE MOTIONS WITH LEAVE TO REFILE

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Before the Court is the "Motion of Defendant Nigel Williams for Stay of Case, or in the Alternative to Stay a Ruling on Defendants Motion for to Dismiss and/or for Summary Judgment and Discovery," filed October 6, 2005. Plaintiffs filed a response in opposition on October 21, 2005.

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes in its docket with economy of time and effort for itself, for counsel and for litigants ...." Ohio Env'tl. Council v. U.S. Dist. Court, Southern Dist. of Ohio, Eastern Div., 565 F.2d 393, 396 (6th Cir.

1977)(quoting Landis v. North American Co., 299 U.S. 248, 254-55 (1936)). "A district court has discretion to determine whether a stay is necessary to avoid piecemeal, duplicative litigation and potentially conflicting results." Int'l Bhd. of Elec. Workers v. AT&T Network Sys., 879 F.2d 864, 1989 WL 78212 at \*8 (6th Cir. July 17, 1989)(citing Colorado River Water Cons. Dist. v. United States, 424 U.S. 800, 817-20 (1976)). "In exercising this discretion, district courts are to be accorded wide latitude." Id. (citing Kerotest Mfg. Co. v. C-O-2 Fire Equip. Co., 342 U.S. 180, 183-84 (1952); Ohio Envt'l Council, 565 F.2d at 396). However, "a court must tread carefully in granting a stay of proceedings, since a party has a right to a determination of its rights and liabilities without undue delay." Ohio Envt'l Council, 565 F.2d at 396.

Two issues in this case are whether the City can be held liable for a police pursuit under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution and whether police officers are entitled to qualified immunity for injuries to bystanders arising out of a police pursuit. These two issues were raised in the case of Meals v. City of Memphis, et al., U.S.D.C. No. 03-2077, and are currently on appeal to the Sixth Circuit Court of Appeals. The Court finds that "granting the stay will further the interest in economical use of judicial time and resources." Int'l Bhd. of Elec. Workers, 1989 WL 78212 at \*8. Accordingly, the Court GRANTS Defendant's motion. This case is hereby STAYED

pending the decision by the Sixth Circuit of those issues in Meals. Defendant shall immediately notify this Court when the Sixth Circuit decides these issues. Since the Court anticipates that the Sixth Circuit's disposition of these issues will affect the parties' legal arguments in the motions currently pending in the instant action, the Court hereby DENIES the Defendant City of Memphis' pending Motion to Dismiss (filed July 20, 2005, Docket No. 2) and DENIES Defendant Williams' pending Motion to Dismiss and/or for Summary Judgment (filed August 31, 2005, Docket No. 14) without prejudice and with leave to revise and resubmit them after the decision by the Sixth Circuit in Meals is entered.

SO ORDERED this 2nd day of February, 2006.

/s/ Jon P. McCalla  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE